

Inasmuch as the books of the Departments show that the Complainant has received his full pay up to the period of his removal by the Secretary of the Navy, the issue presents but two questions to the consideration of the Court at present —

1<sup>st</sup> Has this Court jurisdiction of the subject matter of the Complaint? & if so

2<sup>dly</sup> Had the Secretary of the Navy a right to remove the Complainant? —

My impression is decidedly that we have no jurisdiction, and I will proceed to sum up the reasons which induce that opinion. Courts of Equity (and this is solely such a tribunal) are as much governed <sup>by</sup> law subject to the settled and decided principles of Law as are the ordinary tribunals of the country. A party presenting himself here must shew either that he has exhausted the ordinary remedy in the tribunals of the country; or that those tribunals, appointed to enforce them, have violated the Laws of the Land, and hence he appeals to this Court to obtain that justice which is elsewhere denied him: — This Complainant has shewn neither. Our decisions thus far have settled the principle — that the Government should only be considered responsible for actual services rendered, for monies, goods, wares, or merchandise furnished to the Army or Navy — even spoliations & depredations committed upon private property unless for the use of the Army or Navy, or by ~~authority~~ <sup>authority</sup> or order of some Officer of the Service. Hence it would be a strange innovation upon our established rules to grant compensation for services never pretended to have been rendered; and merely a forced construction of a Law